

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>JEFFREY MARTEN</b>	:	<b>CIVIL ACTION</b>
<b>Petitioner,</b>	:	
	:	
<b>vs.</b>	:	
	:	<b>NO. 07-1063</b>
<b>MARILYN BROOKS, Superintendent,</b>	:	
<b>THE DISTRICT ATTORNEY OF THE</b>	:	
<b>COUNTY OF PHILADELPHIA; and THE</b>	:	
<b>ATTORNEY GENERAL OF THE STATE</b>	:	
<b>OF PENNSYLVANIA</b>	:	
<b>Respondents.</b>	:	

**ORDER**

**AND NOW**, this 23<sup>rd</sup> day of October, 2007, upon careful and independent consideration of the Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 filed by petitioner, Jeffrey Marten, the Response to Petition for Writ of Habeas Corpus, and Petitioner's Response to Respondents' Answer, and after review of the Report and Recommendation of United States Magistrate Judge Arnold C. Rapoport dated September 27, 2007, the Court noting that no Objections were filed, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Arnold C. Rapoport dated September 27, 2007, is **APPROVED** and **ADOPTED**;
2. The Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 filed by petitioner, Jeffrey Marten, is **DISMISSED WITHOUT PREJUDICE** and without an evidentiary hearing, so as to permit petitioner to fully exhaust his Post-Conviction Relief Act proceedings in state court; and,
3. A certificate of appealability will not issue on the ground that petitioner has not made

a substantial showing of a denial of a constitutional right as required under 28 U.S.C.  
§ 2253(c)(2).

**BY THE COURT:**

**/s/ Honorable Jan E. DuBois**  
**JAN E. DUBOIS, J.**